IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Revision No.2301 of 2005

DATE OF DECISION: DECEMBER 4, 2006

Jagroop Singh

...PETITIONER

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: None for the petitioner.

...

The petitioner, who is the complainant, has filed this criminal revision against the judgment dated 27.9.2004 passed by the Additional Sessions Judge, Fatehgarh Sahib, whereby the appeal preferred by the accused respondents against the judgment of conviction and order of sentence dated 25.3.2002 passed by the JMIC, Fatehgarh Sahib convicting the accused respondents, has been disposed of by releasing them on probation while acquiting them under Section 325 read with Section 149 IPC.

In this case, no one has appeared for the petitioner. I have gone through the judgments passed by both the Courts below.

In this case, the accused respondents faced the trial in case FIR No.44 dated 19.9.1995 registered under Sections 323/325/148/149 IPC at Police Station Bassi Pathana. The trial Court after finding that the prosecution has satisfactorily been able to bring home the guilt of the accused, convicted and sentenced the accused respondents under Section 325/149 IPC with RI for three years each; under Section 323/149 IPC with

RI for six months each and under Section 148 IPC with RI for one year each. The Appellate Court vide judgment dated 27.9.2004, acquitted all the accused under Section 325/149 IPC and ordered for their release on probation.

In the petition, it has been alleged that the Appellate Court has committed grave illegality while acquitting the accused under Sections 325/149 IPC. It has been further alleged that the Appellate Court has also erred while reversing the finding arrived at by the trial Court regarding injury No.5 inflicted on the petitioner as grievous.

After going through the judgments passed by both the Courts below, I do not find any merit in this criminal revision. It has been specifically observed by the Appellate Court that there was suspicion regarding injury No.5 because different x-ray examinations were conducted on different dates for the injuries on the body of the same person. It has been further observed that injury No.5, which was simple in nature, has been later on converted into a grievous one. The Appellate Court has also held that the prosecution has failed to prove the offence under Sections 325 and 149 IPC, therefore, the accused were acquitted under the said offence. Further, the Appellate Court after taking into account the circumstances of the case, granted the benefit of probation to the accused. I also do not find any illegality or infirmity in releasing the accused respondents on probation.

Hence, this criminal revision is dismissed.

December 4, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE